

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

After entry of the amendment, claims 1-69 are pending.

Applicants' representative (the undersigned) appreciates the courtesies extended by Examiner Ludwig during the January 16, 2008 telephone interview between Examiner Ludwig and Applicants' representative. During the telephone interview, the Office Action mailed October 17, 2007 ("Office Action") was discussed. An exhibit was not shown (or discussed), nor was a demonstration conducted (or discussed). Applicants' representative discussed independent claims 1, 58 and 60, in view of the rejection of those claims over U.S. Pat. No. 6,834,371 to Jensen et al., as set forth on pages 3-4 of the Office Action. Agreement was not reached as to allowable subject matter of independent claims 1, 58 or 60.

Rejection of Claims 1, 39 and 58 Under 35 U.S.C. § 112, second paragraph

On page 2 of the Office Action, claims 1, 39 and 58 were rejected under 35 U.S.C. §112, second paragraph, for being unclear as to what a marker is and how it is created. As discussed with the Examiner during the January 16, 2008 telephone interview, the marker can be, for example, a conventional logical marker. Applicants' representative believes that Examiner Ludwig agreed with such an interpretation during the January 16, 2008 telephone interview. The rejection of claims 1, 39 and 58 under 35 U.S.C. §112, second paragraph, is therefore believed to be rendered moot. Accordingly, the Examiner is requested to withdraw the rejection of claims 1, 39 and 58 under 35 U.S.C. §112, second paragraph.

Rejection of Claims 1-67 Under 35 U.S.C. § 103(a) over U.S. Patent No. 6,834,371 to Jensen et al.

On pages 3-4 of the Office Action, the Examiner sets forth his rejection of independent claims 1, 58 and 60. Applicants note that on page 6 of the Office Action, the Examiner refers to claim 39 as a dependent claim when, in fact, claim 39 is an independent claim.

As an initial matter, Applicants incorporate by reference the Remarks provided in the Amendment filed on July 26, 2007.

As discussed with the Examiner during the January 16 telephone interview, claims 1-67 recite features that are not disclosed or even *suggested* in Jensen. For example, claim 1 recites “a processor for receiving the audio security disclosure data” and that the processor is used for “creating a text directly from the audio security disclosure data”. That is, in the claimed invention, the processor receives audio security disclosure data, and the processor creates corresponding text data directly from the audio security disclosure data. At least one aspect of the claimed invention, therefore, is generally directed to receiving audio data, and creating a text directly from that audio data. Applicants have reviewed Jensen and submit that Jensen is not directed to at least this aspect of the claimed invention. Accordingly, Applicants submit that Jensen does not render the claimed invention obvious.

More particularly, Jensen does not disclose a processor that is used for “creating a text”—directly or indirectly—from anything. Instead, Jensen discloses that “system 20 receives an existing presentation, either from an external source, or from memory 26.” (Jensen, col. 3, lines 44-45, emphasis added). Applicants submit that Jensen, under any credible interpretation, cannot be said to disclose at least the aspect of the claimed invention that is directed to “creating a text”. This feature of the claimed invention is illustrated, for example, in Figure 1 of Applicants’ specification (and corresponding description in the specification). More specifically, as shown in Figure 1, security disclosure data 14 is provided as an input to security disclosure data to text module 20 (of processor 12). It is Applicants’ security disclosure data to text module 20 that “generates from the audio data portion of the security disclosure data a text of the security disclosure data,” as recited in the claimed invention. (See, e.g., para. [0029] of Applicants’

published application, US 2005/0015709). In contrast, Jensen, by merely receiving text and, *if anything*, merely processing the received text, and cannot be said to be “creating a text” from audio data as recited in the present invention. For at least this reason, Applicants submit that the claimed invention is patentable over Jensen.

Applicants note that in the Office Action, the Examiner does not appear to even *suggest* that Jensen performs the function of “creating a text”. Instead, on page 3 of the Office Action, the Examiner states that Jensen “provides a means of recording audio clips recorded for one or more of the created slides.” However, as noted above, at least one aspect of the claimed invention is directed to “creating a text directly from the audio security disclosure data”. Even assuming *arguendo* that Jensen “provides a means of recording audio clips recorded for one or more of the created slides,” Applicants respectfully submit that this is not the same as and does not even suggest Applicants’ claimed processor that is used for “creating a text directly from the audio security disclosure data”. Jensen simply does not disclose or suggest “creating a text directly from the audio security disclosure data”, as recited in the claimed invention.

Applicants further note that on page 4 of the Office Action, the Examiner, in connection with the rejection of claim 1, states the following with regard to Jensen:

[t]he text for each slide may be preceded by an appropriate header or the like so that a link is maintained between the text data and the particular screen like (sic) from which that text data originated (compare to “*said processor for creating a text from the audio security disclosure data and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security information*”) See column 4, lines 40-67. (emphasis in Office Action.)

Apparently, as far as Applicants can understand, the Examiner believes that maintaining a link between the text data and the particular screen link from which that text data originated is the same as Applicants’ claimed “processor for creating a text directly from the

audio security disclosure data”. Applicants again submit that Jensen discloses that “system 20 receives an existing presentation, either from an external source, or from memory 26” (Jensen, col. 3, lines 44-45). Applicants submit that this or any other passage of Jensen does not disclose “creating a text” as recited in the claimed invention. That is, even assuming *arguendo* that Jensen “generates a link between the audio data and the corresponding screen slide” as asserted by the Examiner on pages 3-4 of the Office Action, Jensen does not perform “creating a text from the audio security disclosure data” as recited in the claimed invention. As far as Applicants can discern, the Examiner does not even assert or contend that Jensen performs “creating a text directly from the audio security disclosure data”. Instead, rather than “creating a text directly from the audio security disclosure data” as claimed, Jensen merely “allows a user to record audio clips for one or more of the screens of the presentation.” *See, e.g.,* Jensen Abstract, col. 3, ll. 53-55, col. 15, ll. 39-43.

Moreover, because the purpose of Jensen is to allow a user to record audio clips for one or more of the screens of a presentation, Applicants submit that Jensen is not concerned with or directed, for example, to “creating a text from the audio security disclosure data” as recited in the claimed invention. The *Background of the Invention* section of Jensen makes the purpose of Jensen clear, stating that:

With computers gaining in terms of popularity, such presentations are often carried out through the use of a computer running appropriate software. One example of such software is PowerPoint™ available from Microsoft Corporation. As is well known in the art, PowerPoint™ creates a series of screen slides that typically include written text, and that may include a graphical image or the like. The screens are arranged in some order as dictated by the author. During presentation, the screens are displayed, with the progression from one screen to another being controlled by the presenter, or alternatively being performed automatically by the software.

....

Moreover, an issue exists with respect to maintaining the synchronization between all of the associated assets of a presentation (e.g., the screen slides, audio clips, and the like). Conventionally, time-based information ("event data") is incorporated within the respective media files. As such, the only way to ensure correct synchronization on playback is to play the entire presentation sequentially, and from beginning to end. In addition, certain media formats do not even allow for incorporating such event data.

Jensen, col. 1, ll. 47-59 and col. 1, l. 66 - col. 2, l. 7.

As is clear from the *Background of the Invention* section, Jensen is concerned with maintaining synchronization between an audio clip and a screen slide show (e.g., a PowerPoint™ screen slide show). Again, Jensen simply provides no teaching or suggestion pertaining to a processor that “**receives audio** security disclosure data”, and “**creates corresponding text** data directly from the audio security disclosure data”, each as recited in the claimed invention. On pages 9 and 11 of the Office Action, the Examiner states that Jensen discloses that “[a]udio clips can be recorded.” In view of the foregoing, Applicants submit that this statement is inapposite with respect to the claimed invention.

Applicants submit that independent claims 39, 58 and 60 are allowable for substantially the same reasons as claim 1. For example, claim 39 recites “creating a text directly from the audio security disclosure data at a second time subsequent to the first time”. Claim 58 recites “automatically creating a text directly from the audio security disclosure data”. Claim 60 recites “a first text generated from the audio security disclosure data.”

Newly Added Claims 68 and 69

Applicants submit that newly added independent claims 68 and 69 recite allowable subject matter. Claim 68 recites, for example, a combination that includes a processor that generates a “complete transcribed text” and a “summary transcribed text” from audio security disclosure data. Claim 69 recites, for example, a combination that includes a processor that causes a display monitor to display “a first summary text” and a “second verbatim text” that is generated from audio security disclosure data.

Accordingly, Applicants respectfully request that claims 68 and 69 be passed to issue.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the prior art, as discussed above. However, Applicants do not concede that other features in the claims are also not missing in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

For the reasons advanced above, issuance of a Notice of Allowance is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

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Respectfully submitted,

By



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